

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

Revised
New
Attachments

November 5, 2002

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FROM: JOHN D. GOSS, Assistant County Administrator
Economic Development/Public Services Group

**SUBJECT: MEMORANDUM OF UNDERSTANDING WITH CADIZ, INC. RELATED TO
THE COUNTY ORDINANCE FOR DESERT GROUNDWATER
MANAGEMENT**

RECOMMENDATION:

1. Approve Memorandum of Understanding with Cadiz, Inc., related to the County Ordinance for Desert Groundwater Management;
2. Find that the project is exempt to CEQA; and
3. Direct the Clerk of the Board to file a Notice of Exemption.

BACKGROUND: The recently adopted Desert Groundwater Management Ordinance is designed to ensure that there are enforceable groundwater monitoring and management plans in unregulated desert groundwater basins. As you know, there are exclusions to this ordinance where there is already regulation of the groundwater basins such as the Lower Colorado Water Supply Project. There also are exclusions where there is already a groundwater management plan in place, such as in connection with an approved CUP, such as the PRIMM Golf Course.

While the MWD/Cadiz Groundwater Storage and Dry-Year Supply Program is at a standstill, and the accompanying MOU is off the table, the question was raised by Cadiz as to the applicability of the Groundwater Ordinance to their ongoing agricultural operation. It is staff's opinion that the agricultural operations are excluded from the ordinance because they are being pursued "as part of a currently valid and complied with Conditional Use Permit." Their current agricultural groundwater management plan has been approved by the County and has been in place for several years. However, Cadiz is concerned that since the CUP was for worker housing, and not directly for the agricultural operation, later interpretations of the ordinance several years from now might require another review of their agricultural water plan.

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As an alternative, the Groundwater Ordinance also provides that if there is “a County-approved groundwater management monitoring and mitigation plan” (which there is for the Cadiz agricultural plan), processing the plan through the ordinance permit process is not required if there is an accompanying memorandum of understanding which requires implementation of the Groundwater and Mitigation Monitoring Plans. While in staff’s view this approach is an excess of caution, it is nonetheless an acceptable way to guarantee the performance of the groundwater monitoring and management plan for the Cadiz agricultural operations.

It is recommended that an MOU with Cadiz be approved which would require compliance with the groundwater plan contained in Mitigation Monitoring Program, Measure WR6, of the Cadiz Agricultural Program.

REVIEW BY OTHERS: This item was reviewed by County Counsel (Robin Cochran, Deputy) on October 29, 2002.

FINANCIAL IMPACT: None.

SUPERVISORIAL DISTRICT: First.

PRESENTER: John D. Goss, Assistant County Administrator, Economic Development/Public Services Group, (909) 387-4700.

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